

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-1769
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 16, 2009
DHS County: Wayne (41)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on November 16, 2009. Claimant appeared and testified. Claimant was represented by [REDACTED]. Following the hearing, the record was kept open for the receipt of additional medical evidence. Additional documents were received and reviewed.

ISSUE

Does the final Social Security Administration (SSA) determination that claimant is not "disabled" for purposes of Supplemental Security Income (SSI) preclude eligibility for the Medical Assistance (MA-P) program based upon disability during the same period of time?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On December 22, 2008, an application was filed on claimant's behalf for MA-P benefits. The application requested MA-P retroactive to October of 2008.
2. On March 23, 2009, the department denied claimant's application for benefits based upon the belief that claimant did not meet the requisite disability criteria.
3. On June 8, 2009, a hearing request was filed to protest the department's determination.

4. On May 17, 2007, claimant filed an application for SSI benefits.
5. On August 31, 2007, the SSA denied claimant's application based upon the belief that she did not meet the disability criteria.
6. Following a request for hearing, on August 18, 2009, an SSA Administrative Law Judge held a hearing to review the denial of claimant's SSI application.
7. On September 9, 2009, the SSA Administrative Law Judge found that claimant "has not been disabled within the meaning of the Social Security Act at any time from the alleged onset date through the date of this decision."
8. Claimant did not appeal the SSA decision.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Relevant departmental policy in this matter is as follows:

Final SSI Disability Determination

SSA's determination that disability or blindness does not exist for SSI is final for MA if:

- The determination was made after 1/1/90 and ...
- The client failed to file an appeal at any step within SSA 60-day limit ...

Eligibility for MA based upon disability or blindness does not exist once SSA's determination is final. BEM Item 260, pp. 2 and 3.

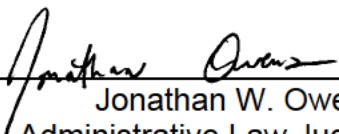
In this matter, claimant filed an application with SSA for SSI on May 17, 2007. Claimant's application was denied by SSA on August 31, 2007. Claimant filed an appeal of that determination. On August 18, 2009, an SSA Administrative Law Judge conducted a hearing on the matter. On September 9, 2009, the SSA Administrative Law Judge ruled that "claimant has not been disabled within the meaning of the Social Security Act at any time from the alleged onset date through the date of this decision." Claimant did not appeal that determination. When considering claimant's December 22, 2008, application for MA-P with the department, it must be found that the SSA

determination that disability does not exist for SSI is final for purposes of MA. Thus, the department's determination that claimant is not "disabled" for purposes of claimant's December 22, 2008, application must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Social Security Administration's determination that claimant is not "disabled" for purposes of Supplement Security Income is final for purposes of claimant's eligibility for Medical Assistance based upon disability during the same time period.

Accordingly, the department's decision in this matter is hereby affirmed.


Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 9, 2010

Date Mailed: December 14, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JWO/pf

cc:

